

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

OCTOBER 1, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Cochran called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Davis, D.C.
David Frischman, D.C.

Board Members Absent:

David Dyer, D.C., Chairman

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda, as amended.

BERNZOTT/DAVIS
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JULY 9, 2009 MEETING AND PERSONAL APPEARANCES OF SEPTEMBER 3, 2009

A motion was made and seconded to adopt the minutes, as presented, from the July 9, 2009 meeting of the Board and Personal Appearances on September 3, 2009.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

1. **Todd J. Posar, D.C., License No. 08000789A**
Administrative Cause No. 2009 IBCE 0001

Dr. Posar did not appear before the Board. His appearance has been rescheduled to the January 7, 2010 meeting.

2. **Wei Chen Yang, D.C., License No. 08001810A**
Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board as requested. The Board is in receipt of her compliance information. She currently works Mondays, Wednesdays and Fridays from 9:00 a.m. until 3:00 p.m. in the same office as before. There have been no changes in her information. Dr. Yang is currently operating a cash practice performing acupuncture and chiropractic services and is doing well. She has one assistant but no other doctors. The Board stated her next probationary appearance will be on January 7, 2010.

B. RENEWAL

1. **Phillip J. Shanks, D.C., License No. 08001433A**

Dr. Shanks has asked to be rescheduled for his personal appearance regarding renewal of his expired license. His license has been expired since July 1, 1996. The Board stated he needs to withdraw his renewal request and reapply for renewal when it is convenient for him or the Board will deny the renewal based on him not appearing.

Board Action: A motion was made and seconded to ask Dr. Shanks to withdraw his renewal application. If he fails to withdraw, he will be denied renewal.

BERNZOTT/DAVIS
Motion carried 5-0-0

2. **Eric Meister, D.C., License No. 08000472A**

Dr. Meister appeared before the Board as requested regarding practicing on an expired license. His license expired on July 1, 2006. He has completed all required continuing education in the time period required. Dr. Meister also holds a professional corporation certificate. He thought that was the same as his chiropractic license and failed to renew his chiropractic license. Dr. Meister also answered yes to question #4: Since you last renewed, "Have you had a malpractice judgment against you or settled a malpractice action?" Dr. Meister explained that he settled a malpractice claim in 2002.

Board Action: A motion was made and seconded to reinstate Dr. Meister's lapsed chiropractic license without any conditions.

DAVIS/KLAES-LANHAM
Motion carried 5-0-0

C. APPLICATION

1. Rachael Lynn Monts, D.C.

Dr. Monts appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Monts has successfully completed the law examination. Dr. Monts is a 2009 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Monts does not hold any other license at this time.

Board Action: A motion was made and seconded to grant Dr. Monts a chiropractic license.

DAVIS/KLAES-LANHAM
Motion carried 5-0-0

2. David Lucas Seastedt, D.C.

Dr. Seastedt did not appear as requested by the Board. He will be sent another letter with a list of dates for the law exam and board meeting.

3. Veronica L. Woodrum, D.C.

Dr. Woodrum appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Woodrum has successfully completed the law examination. Dr. Woodrum is a 2009 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Woodrum does not hold any other license at this time.

Board Action: A motion was made and seconded to grant Dr. Woodrum a chiropractic license.

FRISCHMAN/BERNZOTT
Motion carried 5-0-0

4. Kevin David Day, D.C.

Dr. Day appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Day has successfully completed the law examination. Dr. Day is a 2009 graduate of Sherman College of Straight Chiropractic, of which we are awaiting transcripts, and has taken, and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Day does not hold any other licenses at this time.

Board Action: A motion was made and seconded to grant Dr. Day a chiropractic license upon receipt of his official transcripts.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

5. Jennifer Devens, D.C.

Dr. Devens appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Devens has not successfully completed the law examination. Dr. Devens is a 2006 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Devens currently holds a license in the state of Texas.

Board Action: A motion was made and seconded to grant Dr. Devens a chiropractic license upon passing the Indiana jurisprudence exam.

FRISCHMAN/DAVIS
Motion carried 5-0-0

V. ADMINISTRATIVE HEARINGS

A. Robert M. Nolan, D.C.

Administrative Cause No. 2009 IBCE 0002
License No. 08002150A
Re: Petition for Summary Suspension

Parties and Counsel Present:

Respondent was not present nor represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Cochran (Hearing Officer)
Dr. Klaes-Lanham
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: The Respondent did not appear in person or by counsel. The Office of the Attorney General filed a Petition for Summary Suspension on August 26, 2009. On May 22, 2009, Respondent was charged in Clark County with four (4) counts of battery consisting of kissing and inappropriately touching four (4) women during the course of their chiropractic treatments at the Nolan Chiropractic Center in Clark County, Indiana. On July 8, 2009, warrants were issued in Floyd County, Indiana for the Respondent for two (2) counts of child seduction, child molesting and rape. The victim, who is now seventeen (17), is the step-daughter of the Respondent. These incidents started when she was thirteen. On July 9, 2009, warrants were served on the Respondent for the criminal charges. An initial hearing was held on July 9, 2009 and Respondent was released on a cash bond in the amount of \$7,500.00. The Court issued a no contact order for the benefit of Respondent's step-daughter. The case is presently set for jury trial on October 30, 2009. Mr. Mader stated that he has spoken with Dr. Nolan who requested that the hearing in this matter be postponed at this time. An Agreement for Voluntary Indefinite Summary Suspension was filed on October 1, 2009. Dr. Nolan voluntarily agrees to cease and desist from the practice of chiropractic until such time as all criminal charges against him have been resolved.

Board Action: A motion was made and seconded to accept Agreement For Voluntary Indefinite Summary Suspension pending the outcome of his criminal charges.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

B. Robert A. Ekin, D.C.

Administrative Cause No. 2006 IBCE 0001
License No. 08001852A
Re: Motion to Dismiss

Parties and Counsel Present:

Respondent not present or represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Cochran (Hearing Officer)
Dr. Klaes-Lanham
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: A Motion to Dismiss was filed by the Office of the Attorney General on September 17, 2009. This case has been pending before the Board to await the outcome of the parallel criminal matter pending in the Marion Superior Court. That after a jury trial, on September 25, 2008, the Respondent was acquitted of all criminal

charges. That subsequent investigation has confirmed that there is no basis to proceed with this case before the Board.

Board Action: A motion was made and seconded to grant the State's motion to Dismiss.

KLAES-LANHAM/FRISCHMAN
Motion carried 5-0-0

V. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VI. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business.

IX. DISCUSSION

- A. Emory Giles, Ph.D., Consultant
The National College of Chiropractic
Re: Doctor of Chiropractic Medicine

Dr. Giles is asking the Board if they will recognize the Doctor of Chiropractic Medicine, D.C.M., the same as Doctor of Chiropractic, D.C. The Board agreed it would be recognized as one in the same.

- B. Proposed Rule

The Board discussed possible changes to the rules regarding continuing education. The Indiana State Chiropractic Association and the International Chiropractic Association of Indiana made a recommendation of requiring six (6) of the twelve (12) hours of continuing education required per year to be obtained in State for a total of twelve (12) hours per renewal. Also another recommendation was to require that continuing education sponsored by a chiropractic college must be taught by a full time doctor of chiropractic professor at the college, teaching a minimum of sixteen (16) hours a week or doctor of chiropractic on the college staff working a minimum of twenty (20) hours a week on campus. On campus seminars and nation chiropractic association diplomate seminars that meet state board requirements will be accepted. The Board stated they would take this under advisement but that the Associations may want to consider other proposed changes.

- C. Paul Powers, D.C.
University of Bridgeport College of Chiropractic
Re: Petition for Rule Amendment

Dr. Powers has submitted a Petition to propose a change to the continuing education rules by allowing self study. The Board will take Dr. Powers' recommendation under advisement.

X. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review.

D. Professional Corporation Applications

There were no professional corporation applications to review.

XI. PROBATIONARY REPORT

There were no probationary reports to review.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

There was no report given by the ISCA.

B. International Chiropractic Association of Indiana

There was no report given by the ICA.

C. Consumer Complaints

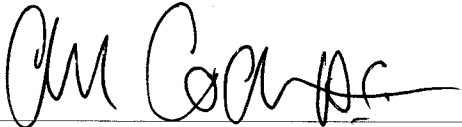
There was no report given on consumer complaints.

D. Continuing Education

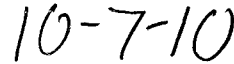
There was no report given on continuing education.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 10:30 a.m.

A handwritten signature in cursive script, appearing to read "Charles Cochran".

Charles Cochran, D.C. - Vice Chairman

A handwritten date "10-7-10" in cursive script.

Date